

Remarks/Arguments:

Amendments

Claim 1 has been amended to include the limitation of claim 15, and claim 15 canceled. Claims 17, 19, and 28 have been amended to change dependency. Support for new claim 32 is found in original claims 1 and 18. Support for new claims 33, 34, and 35 is found in original claims 14, 16, and 17, respectively. Support for new claim 36 is found in original claim 31. It is submitted that no new matter is introduced by these amendments and new claims.

Rejection under 35 U.S.C. ¶ 112, second paragraph

Claims 27-29 were rejected under 35 U.S.C. ¶ 112, second paragraph. Claims 27 and 29 have been canceled. Claim 28 has been amended to depend on claim 26. It is submitted that this rejection has been overcome.

Allowable Subject Matter

Claims 18-31 were indicated allowable but were objected to as dependent on a rejected base claim.

Claim 18, which recites that about 20 mJ/cm² or less of imaging energy is used in step a), is indirectly dependent on claim 1. Claim 18 has not been rewritten in independent form because, for the reasons given below, it is believed that claim 1 is now allowable.

New claim 32 recites the limitations of original claim 1, plus the additional limitation that "about 20 mJ/cm² or less of imaging energy is used in step a)." In the Reasons for Allowance, it was indicated that it would not be obvious to limit the imaging energy to the range required. Therefore, it is submitted that claim 32 and the claims dependent thereon are allowable over the art of record.

New claims 33-35 are dependent on claim 32. Claim 19 has been amended to depend on new claim 35. Claims 19-35 now depend, directly or indirectly, on claim 32. Therefore, it is submitted that claims 19-26, 28, and 30-35 are each allowable over the art of record as claims dependent on an allowable claim.

Rejection Under 35 U.S.C. ¶ 102(e)

Claims 1-14, 16, and 17 as anticipated by "Haley." There are two Haley patents of record, but later in the communication, reference is made U.S. 6,806,020. Therefore, applicants believe that this is the intended reference and will respond accordingly. The Office is respectfully requested to confirm that this is the correct reference in the next communication.

Claim 1, on which claims 2-14, 16, and 17 directly or indirectly depend, has been amended to incorporate the limitation of claim 15. In the Office action, the Office admitted that Haley did not teach the limitation of claim 15, the inclusion of a colorant in the imageable layer. Office action of March 29, 2004, page 4, lines 13-14. It is submitted that the rejection of claims 1-14, 16, and 17 as anticipated by Haley has been overcome.

Rejection Under 35 U.S.C. ¶ 103(a)

Claim 15 was rejected as unpatentable over the combination of Haley and McKeever, U.S. Patent 5,962,190.

As the Office indicates, Haley qualifies as a reference under 35 U.S.C. ¶ 102(e). Haley bears on its face an assignment to Kodak Polychrome Graphics LLC. The instant application is also assigned to Kodak Polychrome Graphics LLC. A copy of the assignment is enclosed for the Examiner's convenience.

The instant application was filed after November 29, 1999. Haley only qualifies as prior art under 35 U.S.C. 102(e)/103. Haley and the subject matter of the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. Therefore, Haley is disqualified as prior art under 35 U.S.C. 103(a) against the claimed invention. See, 35 U.S.C. 103(c); MPEP 706.02(I)(1).

Because the limitation of claim 15 has been incorporated into claim 1, claims 1-14, 16, and 17 are not anticipated by Haley. As discussed above, Haley is disqualified as a reference under 35 U.S.C. 103(a). Therefore, it is submitted that claims 1-14, 16, and 17 are allowable over the art of record.

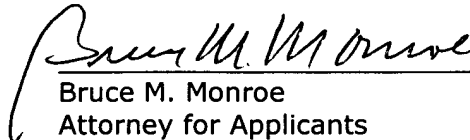
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Conclusion

It is respectfully submitted that the claims are in condition for immediate allowance and a notice to this effect is earnestly solicited. The Examiner is invited to phone applicants' attorney if it is believed that a telephonic or personal interview would expedite prosecution of the application.

Respectfully submitted,


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Dated: April 22, 2005

Enclosure: Copy of assignment of Ser. No. 10/718,953

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: April 22, 2005.


Janet E. Abbott

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